THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:14-3-2006

WRIT PETITION No.5081 OF 2006

BETWEEN:

J.Paul Babu

…Petitioner

And

The Secretary to Governor,

Raj Bhavan, Hyderabad.

…Respondent.

ORDER:

The petitioner seeks to issue a writ of mandamus declaring the action of the respondent in seeking to evict the petitioner from Quarter No.26/B, Raj Bhavan, Hyderabad as illegal, arbitrary, Vindictive and Violative of Article 21 of the Constitution of India.

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader for General Administration appearing for the respondent.

It is stated that the petitioner was suspended on the allegation that he misbehaved with his superiors. After conducting enquiry and as the

charges were held proved, he was awarded penalty of compulsory retirement from service without prejudice to the eligible pensionary benefits by the Special Chief Secretary to Governor by order in Proceedings C.No. 133/E/2004-H, dated 6-12-2004. It is stated that as against the said order, the petitioner filed O.A.No.686 of 2005 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

It is further stated that the petitioner is in occupation of Quarter No.26/B, Raj Bhavan, Hyderabad and a notice dated 1-12-2005 was issued, directing the petitioner to vacate and hand over the said Quarter. Against the said notice, the petitioner filed a representation dated 21-2-2006 to permit him to continue in the said Quarter up to 15-3-2006. Accordingly, the petitioner was continued up to 15-3-2006. Thereafter the respondent issued a notice in C.No.133/E/2004-H, dated 24-2-2006, directing the petitioner to vacate the said Quarter. It is further stated that the petitioner filed another representation on 24-2-2006 thanking the authorities for permitting him to continue him in the Quarter till 15-3-2006. He further requested to continue till the disposal of the O.A., filed by him, since the matter is likely to be heard at any time.

I am of the opinion that the petitioner is not entitled to be continued in the said Quarter as he was retired from service as early as on 6-12-2004 i.e., more than one year three months after his retirement and the respondent rightly refused to permit him to continue in the said Quarter. I do not see any merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J

Date: 14-3-2006.

Shr.